

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

KINDER MORGAN, INC.,

Petitioner,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY and MICHAEL S. REGAN,
Administrator, U.S. EPA,

Respondents.

No. 23-1181 (and
consolidated cases)

NONBINDING STATEMENT OF ISSUES TO BE RAISED

Petitioner submits the following nonbinding statement of issues to be raised:

1. Whether EPA violated the Clean Air Act by requiring costly emission control technologies for certain engines in the natural gas pipeline transportation sector via the Federal “Good Neighbor Plan” for the 2015 Ozone National Ambient Air Quality Standards, 88 Fed. Reg. 36,654 (June 5, 2023) (“Rule”), without first identifying the “amounts” of pollutants to be eliminated, thereby overstepping its statutory authority.
2. Whether EPA’s unexplained departure from its past practice in failing to identify the “amounts” of pollutants to be eliminated prior to imposing stringent emissions limits on certain engines in the natural gas pipeline transportation sector renders the Rule arbitrary and capricious.

3. Whether the Rule is arbitrary, capricious, an abuse of discretion, or contrary to law as a result of EPA's failure to (a) consider the inevitable and harmful natural gas service interruptions that will result from the Rule, (b) respond to Kinder Morgan's comments regarding critical flaws in the Rule, and (c) provide adequate support demonstrating that the Rule's compliance timeline is achievable.

Respectfully submitted,

August 17, 2023

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CERTIFICATE OF SERVICE

I certify that on August 17, 2023, the foregoing was electronically filed through this Court's CM/ECF system, which will send a notice of filing to all registered users.

/s/ Catherine E. Stetson
Catherine E. Stetson